

RICHARD D. McCUNE, State Bar No. 132124  
rdm@mccunewright.com  
DAVID C. WRIGHT, State Bar No. 177468  
dcw@mccunewright.com  
MARK I. RICHARDS, State Bar No. 321252  
mir@mccunewright.com  
McCUNE WRIGHT AREVALO LLP  
3281 East Guasti Road, Suite 100  
Ontario, California 91761  
Telephone: (909) 557-1250  
Facsimile: (909) 557-1275

*Attorneys for Plaintiff*

William M. Low (Bar No. 106669)  
wlow@higgslaw.com  
Edwin Boniske (Bar No. 265701)  
boniske@higgslaw.com  
HIGGS FLETCHER & MACK LLP  
401 West "A" Street, Suite 2600  
San Diego, CA 92101-7913  
Telephone: (619) 236-1551  
Facsimile: (619) 696-1410

*Attorneys for Defendant FCA US LLC*

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

WENDY HIGHTMAN, on behalf of  
herself and all others similarly situated,

Plaintiff,

v.

FCA US LLC, and DOES 1-10,  
inclusive,

Defendants.

CASE NO. 3:18-CV-02205-BEN-KSC

**STIPULATION AND JOINT  
MOTION TO EXTEND TIME FOR  
DEFENDANT FCA US LLC TO  
RESPOND TO PLAINTIFF'S FIRST  
AMENDED CLASS ACTION  
COMPLAINT, PURSUANT TO  
LOCAL RULE 12.1**

1 Pursuant to Civil Rules 7.2 and 12.1, Plaintiff WENDY HIGHTMAN  
2 (“Plaintiff”) and Defendant FCA US LLC (“FCA US”) (collectively, the “Parties”),  
3 by and through their undersigned counsel, hereby stipulate and jointly move the  
4 Court for an order extending the time for FCA US to respond to Plaintiff’s First  
5 Amended Class Action Complaint.

6 **WHEREAS**, Plaintiff initiated this action by filing a Class Action Complaint  
7 on September 24, 2018, asserting claims against FCA US for: (1) Violation of  
8 Magnuson-Moss Warranty (15 U.S.C. § 2301, *et seq.*); (2) Breach of Contract /  
9 Common Law Warranty (based on California Law); (3) Breach of the Duty of Good  
10 Faith and Fair Dealing (Based on California Law); (4) Violations of California  
11 False Advertising law (Cal. Bus. & Prof. Code §§ 17500, *et seq.*); (5) Violation of  
12 California Consumer Legal Remedies Act (Cal. Civil Code § 1750, *et seq.*); (6)  
13 Violation of California Unfair Competition Law (Cal. Bus. & Prof. Code §§ 17200,  
14 *et seq.*);

15 **WHEREAS**, before the Class Action Complaint had been served on FCA  
16 US, Plaintiff filed a First Amended Class Action Complaint on October 5, 2018,  
17 asserting the same causes of action that were alleged in the original pleading;

18 **WHEREAS**, FCA US was served with the First Amended Class Action  
19 Complaint on October 23, 2018, and is presently required to answer or otherwise  
20 respond to the First Amended Class Action Complaint on or before November 13,  
21 2018;

22 **WHEREAS**, the Parties have stipulated and agreed that, counsel for FCA  
23 US’s requires additional time to be able to sufficiently investigate and respond to  
24 Plaintiff’s allegations, and that on that basis good cause exists to grant FCA US an  
25 additional thirty (30) days to respond to Plaintiff’s First Amended Class Action  
26 Complaint.

27 ///

28 ///

1           **NOW THEREFORE, IT IS HEREBY STIPULATED** by and between the  
2 Parties that, for good cause shown, FCA US shall be granted an additional thirty  
3 (30) days to respond to Plaintiff's First Amended Class Action Complaint, and that  
4 such response shall be due on or before December 13, 2018.

5  
6 DATED: November 9, 2018

MCCUNE WRIGHT AREVALO LLP

7  
8 By: /s/ David C. Wright

RICHARD D. MCCUNE  
DAVID C. WRIGHT  
MARK I. RICHARDS

9  
10 *Attorneys for Plaintiff*

11  
12 DATED: November 9, 2018

HIGGS FLETCHER & MACK LLP

13  
14 By: /s/ Edwin M. Boniske

WILLIAM M. LOW, ESQ.  
EDWIN M. BONISKE, ESQ.

15  
16 *Attorneys for Defendant*  
17 *FCA US LLC*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing was filed on November 9, 2018, and electronically served on all counsel of record, who are deemed to have consented to electronic service via the Court's CM/ECF system per Civ. L.R. 5.4(d).

By: /s/ Edwin M. Boniske  
Edwin M. Boniske (Bar No. 265701)